

mediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed the Senate on April 25, 2017: Yeas 31, Nays 0; the Senate concurred in House amendments on May 25, 2017: Yeas 31, Nays 0; passed the House, with amendments, on May 20, 2017: Yeas 135, Nays 0, one present not voting.

Approved June 15, 2017.

Effective June 15, 2017, except as otherwise provided by this Act.

ABOLISHING SHAMPOO APPRENTICE PERMITS AND SHAMPOO SPECIALTY CERTIFICATES

CHAPTER 920

S.B. No. 1503

AN ACT

relating to abolishing shampoo apprentice permits and shampoo specialty certificates.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1601.002, Occupations Code, is amended to read as follows:

Sec. 1601.002. **DEFINITION OF BARBERING.** In this chapter, “barbering,” “practicing barbering,” or the “practice of barbering” means:

(1) performing or offering or attempting to perform for compensation or the promise of compensation any of the following services:

(A) treating a person’s mustache or beard by arranging, beautifying, coloring, processing, shaving, styling, or trimming;

(B) treating a person’s hair by:

(i) arranging, beautifying, bleaching, cleansing, coloring, curling, dressing, dyeing, processing, ~~shampooing,~~ shaping, singeing, straightening, styling, tinting, or waving;

(ii) providing a necessary service that is preparatory or ancillary to a service under Subparagraph (i), including bobbing, clipping, cutting, or trimming; or

(iii) cutting the person’s hair as a separate and independent service for which a charge is directly or indirectly made separately from a charge for any other service;

(C) cleansing, stimulating, or massaging a person’s scalp, face, neck, arms, or shoulders:

(i) by hand or by using a device, apparatus, or appliance; and

(ii) with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;

(D) beautifying a person’s face, neck, arms, or shoulders using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, clay, cream, or appliance;

(E) treating a person’s nails by:

(i) cutting, trimming, polishing, tinting, coloring, cleansing, manicuring, or pedicuring; or

(ii) attaching false nails;

(F) massaging, cleansing, treating, or beautifying a person’s hands;

(G) administering facial treatments;

(H) weaving a person's hair by using any method to attach commercial hair to a person's hair or scalp; or

(I) ~~[shampooing or conditioning a person's hair; or~~

~~[(J)]~~ servicing in any manner listed in Paragraph (B) a person's wig, toupee, or artificial hairpiece on a person's head or on a block after the initial retail sale;

(2) advertising or representing to the public in any manner that a person is a barber or is authorized to practice barbering; or

(3) advertising or representing to the public in any manner that a location or place of business is a barbershop, specialty shop, or barber school.

SECTION 2. Section 1601.256(a), Occupations Code, is amended to read as follows:

(a) A person holding a barber technician license may:

(1) perform only barbering as defined by Sections 1601.002(1)(C), (D), (F), and (G); ~~and (H)~~; and

(2) practice only at a location that has been issued a barbershop permit.

SECTION 3. Section 1602.002(a), Occupations Code, is amended to read as follows:

(a) In this chapter, "cosmetology" means the practice of performing or offering to perform for compensation any of the following services:

(1) treating a person's hair by:

(A) providing any method of treatment as a primary service, including arranging, beautifying, bleaching, cleansing, coloring, cutting, dressing, dyeing, processing, ~~[shampooing,]~~ shaping, singeing, straightening, styling, tinting, or waving;

(B) providing a necessary service that is preparatory or ancillary to a service under Paragraph (A), including bobbing, clipping, cutting, or trimming a person's hair or shaving a person's neck with a safety razor; or

(C) cutting the person's hair as a separate and independent service for which a charge is directly or indirectly made separately from charges for any other service;

(2) ~~[shampooing and conditioning a person's hair;~~

~~[(3)]~~ servicing a person's wig or artificial hairpiece on a person's head or on a block after the initial retail sale and servicing in any manner listed in Subdivision (1);

(3) ~~[(4)]~~ treating a person's mustache or beard by arranging, beautifying, coloring, processing, styling, trimming, or shaving with a safety razor;

(4) ~~[(5)]~~ cleansing, stimulating, or massaging a person's scalp, face, neck, or arms:

(A) by hand or by using a device, apparatus, or appliance; and

(B) with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;

(5) ~~[(6)]~~ beautifying a person's face, neck, or arms using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, clay, cream, or appliance;

(6) ~~[(7)]~~ administering facial treatments;

(7) ~~[(8)]~~ removing superfluous hair from a person's body using depilatories, preparations, or tweezing techniques;

(8) ~~[(9)]~~ treating a person's nails by:

(A) cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring; or

(B) attaching false nails;

(9) ~~[(10)]~~ massaging, cleansing, treating, or beautifying a person's hands or feet;

(10) ~~[(11)]~~ applying semipermanent, thread-like extensions composed of single fibers to a person's eyelashes; or

(11) ~~[(12)]~~ weaving a person's hair.

SECTION 4. Section 1602.255(c), Occupations Code, is amended to read as follows:

(c) The commission shall adopt rules for the licensing of specialty instructors to teach specialty courses in the practice of cosmetology defined in Sections 1602.002(a)(5), (7), (8), and (10) [~~1602.002(a)(6), (8), (9), and (11)~~].

SECTION 5. Section 1602.256(a), Occupations Code, is amended to read as follows:

(a) A person holding a manicurist specialty license may perform only the practice of cosmetology defined in Section 1602.002(a)(8) or (9) [~~1602.002(a)(9) or (10)~~].

SECTION 6. Section 1602.257(a), Occupations Code, is amended to read as follows:

(a) A person holding an esthetician specialty license may perform only the practice of cosmetology defined in Sections 1602.002(a)(4), (5), (6), (7), and (10) [~~1602.002(a)(5), (6), (7), (8), and (11)~~].

SECTION 7. Section 1602.2571(a), Occupations Code, is amended to read as follows:

(a) A person holding a specialty license in eyelash extension application may perform only the practice of cosmetology defined in Section 1602.002(a)(10) [~~1602.002(a)(11)~~].

SECTION 8. Section 1602.259(a), Occupations Code, is amended to read as follows:

(a) A person holding a hair weaving specialty certificate may perform only the practice of cosmetology defined in Section 1602.002(a)(11) [~~Sections 1602.002(a)(2) and (12)~~].

SECTION 9. Section 1602.260(a), Occupations Code, is amended to read as follows:

(a) A person holding a wig specialty certificate may perform only the practice of cosmetology defined in Section 1602.002(a)(2) [~~1602.002(a)(3)~~].

SECTION 10. Section 1602.261(a), Occupations Code, is amended to read as follows:

(a) A person holding a manicurist/esthetician specialty license may perform only the practice of cosmetology defined in Sections 1602.002(a)(4) through (9) [~~1602.002(a)(5) through (10)~~].

SECTION 11. Section 1602.305(a), Occupations Code, is amended to read as follows:

(a) A person holding a specialty shop license may maintain an establishment in which only the practice of cosmetology as defined in Section 1602.002(a)(2), (5), (7), (8), or (10) [~~1602.002(a)(3), (6), (8), (9), or (11)~~] is performed.

SECTION 12. Section 1602.354(a), Occupations Code, is amended to read as follows:

(a) The commission will by rule recognize, prepare, or administer continuing education programs for the practice of cosmetology. Participation in the programs is mandatory for all license renewals [~~other than renewal of a shampoo specialty certificate~~].

SECTION 13. Section 1602.403(c), Occupations Code, is amended to read as follows:

(c) A person holding a beauty shop license or specialty shop license may not employ:

[(1)] a person as an operator or specialist or lease to a person who acts as an operator or specialist unless the person holds a license or certificate under this chapter or under Chapter 1601; ~~or~~

[(2)] a person to shampoo or condition a person's hair unless the person holds a shampoo apprentice permit or student permit].

SECTION 14. Section 1603.352(a), Occupations Code, is amended to read as follows:

(a) A person who holds a license, certificate, or permit issued under this chapter, Chapter 1601, or Chapter 1602 and who performs a barbering service described by Section 1601.002(1)(E) or (F) or a cosmetology service described by Section 1602.002(a)(8) or (9) [~~1602.002(a)(9) or (10)~~] shall, before performing the service, clean, disinfect, and sterilize with an autoclave or dry heat sterilizer or sanitize with an ultraviolet sanitizer, in accordance with the sterilizer or sanitizer manufacturer's instructions, each metal instrument, including metal nail clippers, cuticle pushers, cuticle nippers, and other metal instruments, used to perform the service.

SECTION 15. The following provisions of the Occupations Code are repealed:

- (1) Section 1601.260(c);
- (2) Section 1601.261;
- (3) Section 1601.301(c);
- (4) Section 1602.266(c);
- (5) Section 1602.267;
- (6) Section 1602.301(c); and
- (7) Section 1602.456(b-1).

SECTION 16. On the effective date of this Act:

(1) a shampoo apprentice permit issued under former Section 1601.261 or 1602.267, Occupations Code, expires; and

(2) a shampoo specialty certificate issued under Chapter 1602 expires.

SECTION 17. (a) The changes in law made by this Act do not affect the validity of a proceeding pending before a court or other governmental entity on the effective date of this Act.

(b) An offense or other violation of law committed before the effective date of this Act is governed by the law in effect when the offense or violation was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense or violation was committed before the effective date of this Act if any element of the offense or violation occurred before that date.

SECTION 18. This Act takes effect September 1, 2017.

Passed the Senate on April 26, 2017: Yeas 31, Nays 0; the Senate concurred in House amendment on May 26, 2017: Yeas 31, Nays 0; passed the House, with amendment, on May 19, 2017: Yeas 144, Nays 0, two present not voting.

Approved June 15, 2017.

Effective September 1, 2017.

**STATE AND REGIONAL WATER PLANNING PROCESS AND
THE FUNDING OF PROJECTS INCLUDED IN THE STATE
WATER PLAN**

CHAPTER 921

S.B. No. 1511

AN ACT

relating to the state and regional water planning process and the funding of projects included in the state water plan.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 15.439(a), Water Code, is amended to read as follows:

(a) The board shall adopt rules providing for the use of money in the fund that are consistent with this subchapter, including rules:

(1) establishing standards for determining whether projects meet the criteria provided by Section 15.434(b); and

(2) specifying the manner for prioritizing projects for purposes of Sections 15.436 and [Section] 15.437.

SECTION 2. Section 16.051(a-1), Water Code, is amended to read as follows:

(a-1) The state water plan must include:

(1) an evaluation of the state's progress in meeting future water needs, including an